

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900

Facsimile (612) 339-3061

April 19, 2002

FAX RECEIVED

APR 22 2002

Time: _____
(Minneapolis, Minn.)TO: Commissioner for Patents
Attn: Michail A. Belyavskiy
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231FROM: **GROUP 1600**
Janet E. EmbretsonOUR REF: 600.492US1TELEPHONE: (612) 373-6959FAX NUMBER (703) 308-4315

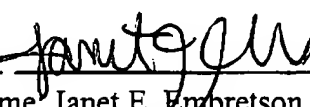
* Please deliver to Examiner Michail A. Belyavskiy in Art Unit 1644. *

Document(s) Transmitted: Response to Restriction RequirementTotal pages of this transmission, including cover letter: 3 pgs

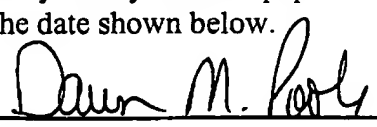
If you do NOT receive all of the pages described above, please telephone us at 612-373-6900, or fax us at 612-339-3061.

In re. Patent Application of: Mohamed E. El Halawani et al. Examiner: Michail A. BelyavskiySerial No.: 09/754,826Group Art Unit: 1644Filed: January 4, 2001Docket No.: 600.492US1Title: USE OF PASSIVE MYOSTATIN IMMUNIZATION

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: 
Name: Janet E. Embretson
Reg. No.: Reg. No. 39,665

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Dawn M. Poole4/19/02
Date of Transmission

OFFICIAL

S/N 09/754,826**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mohamed E. El Halawani et al.

Examiner: Michail A. Belyavskiy

Serial No.: 09/754,826

Group Art Unit: 1644

Filed: January 4, 2001

Docket: 600.492US1

Title: USE OF PASSIVE MYOSTATIN IMMUNIZATION

FAX RECEIVED

APR 22 2002

RESPONSE TO RESTRICTION REQUIREMENT**GROUP 1600**Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed March 19, 2002, Applicant provisionally elects, with traverse, the claims of Group I (claims 1-8) directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are so closely related within the context of the disclosure of the application that they cannot properly be considered independent and distinct within the statutory meaning of 35 U.S.C. § 121. Claims directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier (claims 1-8; Group I) are clearly related to claims directed to the use of that immunoconjugate, e.g., the use of the immunoconjugate in a method for increasing muscle mass in progeny of an egg-laying vertebrate (claims 9-16; Group II), a method to passively immunize progeny of a female vertebrate (claims 17 and 19-23; Group III), a method to decrease body fat in a vertebrate (claims 18-24; Group IV), and a method to increase testes size (claims 25-28; Group V).

Moreover, the Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may arguably include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of claims directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier (claims 1-8; Group I) and claims directed to the use of that immunoconjugate in a method for increasing muscle mass in progeny of an egg-laying vertebrate (claims 9-16; Group II), a method

Serial Number: 09/754,826

Filing Date: January 4, 2001

Title: USE OF PASSIVE MYOSTATIN IMMUNIZATION

to passively immunize progeny of a female vertebrate (claims 17 and 19-23; Group III), a method to decrease body fat in a vertebrate (claims 18-24; Group IV), and/or a method to increase testes size (claims 25-28; Group V), would not be a serious burden to the Examiner due to the relatedness of the subject matter.

Further, as the claims in Groups II-V are dependent on claim 7, which is dependent on claim 1, and thus are linked, claims 1-28 should be examined in the same application. M.P.E.P. § 809.03.

Claims 1-8 (Group I) are product claims and claims 9-28 (Groups II-V) are method of use claims that employ that product. Accordingly, Applicant's Representatives respectfully request rejoinder of the claims of Groups II-V with the claims of Group I upon a notice of allowable subject matter for the claims in Group I. M.P.E.P. § 821.04.

Hence, the Restriction Requirement is properly traversed. Reconsideration and withdrawal is respectfully requested.

The Examiner is invited to contact Applicant's attorney (612-373-6959) if there are any questions concerning this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

MOHAMED E. EL HALAWANI ET AL.,

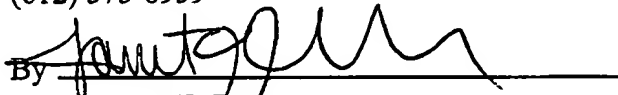
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date

April 19, 2002

By


Janet E. Embretson
Reg. No. 39,665

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Dawn M. Poole4/19/02
Date of Transmission